

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NORTHLAND INSURANCE COMPANY,

Plaintiff,

vs.

LINCOLN GENERAL INSURANCE COMPANY,

Defendants.

AFFIDAVIT

Civil Action No.: 1:CV-01-0763

(Hon. Yvette Kane, USDJ)

I, Ira S. Lipsius affirms, under penalty of perjury, as follows:

1. I am a member of the firm of SCHINDEL, FARMAN & LIPSIOUS, LLP (“SFL”), counsel to plaintiff Northland Insurance Company (“Northland”) in connection with this action. By order of this Court dated, October 19, 2001, I am admitted to practice in the Federal District Court, Middle District of Pennsylvania in connection with this matter. I submit this attorney’s affirmation in support of Northland’s Bill of Costs.

2. This matter was tried before the Court from January 27-30, 2003 and a decision rendered on August 26, 2003 in favor of Northland.

3. I am familiar with SFL’s ordinary customs and practices of maintaining its records with respect to attorney-hours billed, expenses and disbursements.

4. SFL maintains computerized records of its attorney-hours billed, expenses and disbursements.

5. Attached hereto as **Exhibit A** is an excerpt from SFL’s list of costs and disbursements for file No. 2015.67, which corresponds to the above captioned action and which is maintained in computerized form in SFL’s ordinary course of practice. Northland seeks recovery of the items specified in the attached Exhibit A as part of its Bill of Costs.

6. On or about January 21, 2002, SFL remitted \$605.50 to Filius & McLucas Reporting Service for court reporting service and transcripts of depositions of Michael McGovern and Traci Slane taken in this case on January 9, 2002 (Exhibit A, Transaction No. 109688).

7. On or about November 30, 2002, SFL remitted \$333.45 to Geiger & Loria Reporting Service for deposition transcripts Michael McGovern taken in this case on November 21, 2002 (Exhibit A).

8. On or about November 30, 2002, SFL remitted \$143.40 to Paul E. Troutman, Professional Reporter, for deposition transcript of Dale Clemons that was used at the trial of this matter (Exhibit A).

9. On or about December 10, 2002, SFL remitted \$1293.15 to Verallo Inc., for reporting service and transcripts of depositions of witnesses Gail Crescelius and Louis Bricklin taken in this case on December 2, 2002 (Exhibit A).

10. On or about December 26, 2002, SFL remitted \$711.50 Verallo Inc., for reporting service and transcripts of depositions of witness Jerry Parker taken in this case on December 10, 2002 (Exhibit A).

11. On or about January 21, 2003, SFL remitted \$847.20 to Sargent's Court Reporting Service for reporting service and transcripts of depositions of witnesses Mr. Jay McCormick, Mr. Harold Sinclair and Ms. Joyce Wilking, taken in this case on November 20, 2002 (Exhibit A).

12. On or about January 11, 2003, SFL remitted \$867.04 to Sir Speedy for copying costs of producing records to counsel (Exhibit A). The charge for copying was 0.866 per page and 5004 pages of documents were provides to counsel. SFL seeks recovery of \$433.35 as the cost of producing those records to counsel.

13. On or about February 28, 2003, SFL remitted \$179.15 to Sir Speedy for exhibits used at the trial from January 27, 2003 to January 30, 2003 (Exhibit A).

14. The records of Northland indicate that the expenses were incurred for travel to attend trials and depositions. The first two items are the exact amount spent for air fares, hotels and meals as well as the attendance fee permitted by law. The final three items are the approximate expenses. The approximate number in each instance covers only a portion of the expenses as Northland will not have the actual expenses available until early next week. The actual amount, in each instance, will be a higher amount. Northland is prepared to accept the lower amount estimated herein. If the court requests, Northland would be please to amend this Bill of Costs to the actual amount.

Witness	Appearance	Attendance Fee	Expenses
G. Crescelius	Trial (1/27/03-1/28/03)	\$80	\$1365.73
J. Parker	Deposition (12/10/02)	\$40	\$1323.73
J. Parker	Trial (1/27/03-1/29/03)	\$120	\$1465.73
T. Slane	Deposition (1/9/02)	\$40	\$1200
G. Crescelius	Deposition (12/02/02)	\$40	\$1300

15. Filing fees (Clerk of Court) \$150.00.

16. Process Server \$351 (service on several defendants).

The total sought is \$12,022.89.



Ira S. Lipsius